

ORIGINAL

FILED MAR 22 2019

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America

v.

Cody James Hastings
[DOB 02/17/1986]

Case No.

19-mj-0204DPR

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2018 in the county of Greene in the
Western District of Missouri, the defendant(s) violated:

Code Section

18 U.S.C. 922(g)(1) &
924(a)(2)

Offense Description

On or about June 2, 2018, in Greene County, Missouri, within the Western District of Missouri, the defendant, having been convicted of a crime which is punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting commerce, a firearm, that is, a Kel-Tec .380 caliber firearms, bearing serial number K3861, and various rounds of ammunition, which have been transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

This criminal complaint is based on these facts:

See Attachment A - Affidavit of Special Agent Jeffrey W. Atwood, with the Federal Bureau of Investigation

☒ Continued on the attached sheet.



Complainant's signature

Jeffrey W. Atwood, SA, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/22/19



Judge's signature

City and state: Springfield, Missouri

David P. Rush, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A
IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI

AFFIDAVIT

I, Jeffrey W. Atwood, a Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, depose and state the following:

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since 1999. I am currently assigned to the Kansas City Division, Springfield, Missouri Resident Agency. As a Special Agent of the FBI, I am responsible for investigating violations of various federal statutes, including firearms violations.

2. This affidavit is in support of a criminal complaint charging Cody James HASTINGS (white male, date of birth 2/17/1986) with violation of Title 18, USC 922(g)(1), for his prohibited possession of a Kel-Tec .380 caliber pistol on 6/2/18, in Republic, Missouri.

3. The facts set forth in this affidavit are based upon information provided by officers of the Republic, Missouri, Police Department as well as information I have obtained during the course of this investigation.

4. On 6/2/2018, Republic Police Department (RPD) received a call from a citizen who advised that a white, male wearing a black hat, black and grey shirt and a backpack had been in the Family Video store at 590 East U.S. Highway 60, Republic, Missouri. While in the store, the subject dropped what the caller believed to be a pipe used to smoke drugs. The caller advised that the subject left the store and was, at the time of the call, in the parking lot near the caller's vehicle.

5. RPD dispatched patrol officers to the Family Video store to attempt to locate the subject and determine if a crime had been committed.

6. RPD Officer J. Warnow was the first officer to arrive in the area of the call. Officer Warnow observed an individual who matched the description of the subject from the Family Video store. The subject had moved from the Family Video store but was still in the vicinity.

7. Upon arrival Officer Warnow made contact with the subject who was later identified as Cody James HASTINGS. Officer Warnow asked HASTINGS if he had been in the Family Video and if he had dropped a pipe.

8. HASTINGS then volunteered the following information to Officer Warnow. HASTINGS said that the backpack he was carrying was not his. HASTINGS said that the only things in the backpack that belonged to him were his shorts and his boots. HASTINGS told Officer Warnow that, while at a friend's house in Republic, he reached into the backpack to get his lighter and discovered that there was a beige Kel-Tec .380 pistol in the back pack. HASTINGS unloaded the pistol and put the pistol back in the backpack.

9. HASTINGS further volunteered that he decided to leave the friend's house and walk to another location in Republic. While he was walking, HASTINGS stopped in the Family Video to use their restroom. While HASTINGS was in the Family Video a bong stem fell out of his backpack. HASTINGS picked up the bong stem and went into the restroom. After leaving the Family Video, HASTINGS walked to the Kum and Go near Family Video and threw the bong stem away in Kum and Go's recycled trash can.

10. RPD Corporal M. Jenkins arrived at the scene to assist Officer Warnow. HASTINGS was placed in handcuffs and, based upon HASTINGS' statements about the firearm in the backpack, Officer Warnow checked the backpack for a gun.

11. During the search of the backpack, Officer Warnow discovered a Kel-Tec .380 caliber pistol located in an outside pocket of the backpack. The Kel-Tec .380 caliber pistol bears serial number K3861 on the firearm. The pistol had one live round of .380 caliber ammunition in the magazine. Corporal Jenkins conducted a frisk of HASTINGS and discovered four live rounds of .380 caliber ammunition in the right front pocket of HASTINGS' jeans.

12. Corporal Jenkins also conducted a search of the recycled trash can at Kum and Go where HASTINGS said he threw the bong stem away. During the search Corporal Jenkins discovered a clear glass smoking pipe which appeared to have residue of burned marijuana.

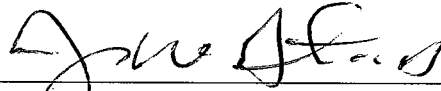
13. HASTINGS was subsequently arrested and transported to the Greene County Jail where he was booked on charges of Unlawful Possession of a Firearm and Possession of Drug Paraphernalia. The Kel-Tec .380 pistol and ammunition was recovered and logged into evidence at RPD.

14. A review of HASTINGS' criminal history revealed that HASTINGS has at least one felony conviction. That conviction was for Child Abuse and resulted in HASTINGS being sentenced to six years confinement on 2/3/2011. That case is recorded as case number 10-CTCR-0104202 in Taney County Circuit Court.

15. On 3/21/2019, ATF Special Agent Brian Fox was provided with the preliminary information regarding the seized firearm. Special Agent Fox has received specialized training in the determination of the interstate movement of firearms and ammunition. Special Agent Fox concluded that the Kel-Tec .380 pistol was not manufactured in the State of Missouri. Special Agent Fox therefore concluded that the firearm possessed by HASTINGS, in Republic, Missouri, in the Western District of Missouri, would have traveled in or affected interstate or foreign commerce to arrive in Missouri.

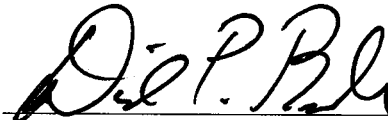
16. Based upon the above information, your Affiant believes that on 6/2/2018, Cody James HASTINGS illegally possessed a firearm that had moved in or affected interstate commerce, being a convicted felon, in violation of Title 18 U.S.C. Section 922(g)(1).

I swear/affirm that the above information is true and correct to the best of my knowledge and belief.



Jeffrey W. Atwood
Special Agent
Federal Bureau of Investigation

Executed on March 22nd, 2019 at 8:47 0 a.m./p.m.



Honorable Judge David P. Rush
United States Magistrate Judge
Western District of Missouri